

MINUTES of MEETING of OBAN LORN & THE ISLES AREA COMMITTEE held ON A HYBRID BASIS IN THE MCCAIG SUITE, CORRAN HALLS, OBAN AND BY MICROSOFT TEAMS on WEDNESDAY, 13 DECEMBER 2023

Present: Councillor Kieron Green (Chair)

Councillor Willie Hume
Councillor Jim Lynch

Councillor Luna Martin (Item 4 Onwards)
Councillor Andrew Vennard

Attending: Melissa Stewart, Argyll and Bute Council (Clerk)
Hugh O'Neill, Argyll and Bute Council
Sonya Thomas, Argyll and Bute Council
Michelle Mundie, Chief Executive ACHA
Seymour Adams, CHARTS

1. APOLOGIES FOR ABSENCE

Apologies for absence were received by Councillor Andrew Kain and Councillor Amanda Hampsey.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

(a) Oban, Lorn and the Isles Area Committee - 13 September 2023

The Minute of the meeting of the Oban, Lorn and the Isles Area Committee, held on 13 September 2023 was approved as a correct record.

(b) Oban, Lorn and the Isles Area Community Planning Group - 8 November 2023

The Minute of the meeting of the Oban, Lorn and the Isles Area Community Planning Group held on 8 November 2023 was noted.

(c) Oban Common Good Fund - 13 November 2023

The minute of the Oban Common Good Fund meeting held on 13 November 2023 was noted.

4. PUBLIC QUESTION TIME

The first two questions were received in advance of the meeting from Luing Community Council;

Question 1

The two conservation villages of Cullipool and Toberonochy experienced flooding during the heavy rains early October, and it is the second time that flooding in Cullipool has

damaged homes. On the advice of the Community Planning Group administrator we have emailed the Roads and Infrastructure Dept to ask if there is a possibility of obtaining technical advice from their flooding engineers (though we are aware of how much pressure they are under right now). It would be useful to know if this is the best route or if there is anyone else that we can contact to obtain technical advice on how to prevent or minimise future flooding risks.

Hugh O'Neill advised that he had passed the query onto the Design Services, who met with Luing Community Council on Monday and will progress their query.

Question 2

How does the Council know which houses are second-homes? I note that a number of people are on the electoral register here who are second-home owners. Is this legitimate, and might this allow them, for instance, to avoid the council tax increase for second-homes when it is introduced, or to benefit in other ways (eg free University fees for a child if their home is in England)?

Fergus Walker had provided a response which was read out by the Committee Clerk. "A property is defined in law as a second home if it is no-one's sole or main residence and it is lived in for at least 25 days per annum".

"In terms of compliance we conduct reviews of second homes and ask for details such as electricity/utility bills, insurance documents and other verification to support the fact that a property is a second home. There are other tools that we use to identify sole or main residences, ie:- where people are trying to avoid their property being classed as a second home we would use credit referencing tools and sharing data with other local authorities to track and trace people".

Question 3 – Andrew Spence BID4 Oban

On Saturday 7th October 2023 Oban and the surrounding area experienced severe flooding issues resulting in roads being washed away, landslides, disruption, and serious flooding in the Lochavullin area of Oban. The deluge happened very quickly and numerous businesses were unable to take any precautions. The impact was catastrophic for many businesses in the area.

Similar flooding happened in 2017 and 2018. At that time, we were told the reason for the flooding was that pumps had failed. In 2023, the same pumps failed again.

There has been flood impact surveys undertaken in Oban. The most recent being published in June 2019, 33 pages, with various short-term and long-term options. To date the only visible change has been the introduction of plastic walls along a very short length of the Black Lyn adjacent to the Guide Hall.

Impact to business and community:

- Numerous premises flooded some to a level of over a metre.
- Huge losses to those businesses in terms of infrastructure and revenue.
- We estimate that property and equipment damage will be in excess of £2m
- Serious pollution issues with raw sewerage and oil washed out of garages.
- Some businesses unable to open effectively for a considerable period.

- The costs of the cleanup operation have been significant and financed by those businesses. It should also be highlighted that many premises in the Lochavullin area are now unable to obtain flood insurance cover and they are unable to claim against their losses in any other way.
- Tesco lost its dot.com operation and suffered from severe flooding. This has had a huge impact on their operation and significant impact on their customers who rely on home delivery.
- Tesco have also suffered significant damage to its petrol station and it is still not operational.
- M&S, Argos, Pets at Home were unable to trade for three days, and they suffered significant losses including colleague's cars in the carpark.
- Homebase became an island and the only access was on foot, they remained open as a public service but suffered significant losses.
- It should be noted that the council are the landlords for many of the flooded premises.

Social impact.

This time Oban nearly lost all its supermarkets to flooding and had the water level been about 20cm higher this would have occurred causing a serious social impact to the area. No supermarkets, no food! The owners of the businesses, staff and customers have all suffered with some of the businesses community stating they will not be able to carry on if there is another flood. This has had an impact on mental health.

What next?

- What have the council done to mitigate flooding in Oban over the last five years?
- What did the council do to support the business community during the most recent flooding?
- What is the council's long term plans?
- What is the council's contingency should we be flooded again and have no supermarkets?
- Have the council applied for flood prevention funding for Oban?
- When will the council engage positively with the businesses and produce some short-term plans and support to mitigate future events?

Hugh O'Neill advised that this be taken off table for a detailed response, to which Mr Spence agreed.

Question 4 & 5 – Linda Robb, Dunbeg Community Council

Linda advised that she had been in dialogue with the Council's roads department over a blocked drain on Meadow Road, Dunbeg, over the years. The recent bad weather had caused the overflow of this drain to ice over the road making it unsafe for vehicles using the road. On reporting it again she was advised by Traffic and Development that this was a Trunk Road and therefore the Council could not do anything about it. Meadow Road is not on the trunk road therefore very disappointed in the unsatisfactory response from the Council.

Hugh O'Neill apologised for the lack of response and asked that Ms Robb pass her details on to the Clerk and he would pick up on this and respond directly.

When will the works on the proposed cycle track from Dunbeg to Connel start?

Councillor Green advised that he had received a lengthy email in response to the cycle track and will forward it on to Linda. The Council has been liaising with SAMS and Sustrans but are disappointed in the lack of engagement from Transport Scotland.

Question 6 – Duncan Martin

Firstly Mr Martin questioned whether the meeting was quorate due to lack of members present?

The Clerk advised that the quorum is 3 and confirmed the meeting was quorate.

Mr Martin then went on to ask the Area Committee what role does it see for itself in the future management of Oban Harbour Board and what do councillors see as their role?

Councillor Green advised that constitutionally the Area Committee would not have direct accountability for the Oban Harbour, the Harbour Board would have overall responsibility, along with 4 members of the Area Committee who were also members of the Harbour Board. He asked the Clerk to clarify, which she did.

Mr Martin also asked if there was any review within the Council as to how communities are empowered and engage with Council Officers?

Councillor Green stated there was a Scottish Government Local Democracy Review and Consultation ongoing at the moment that would encompass community engagement and decision making.

Question 7,8 & 9 – Frank Roberts, Oban Community Council

Frank also voiced his disappointment at the lack of members in attendance at the meeting. With concerns for the longer term development of the harbour, I have 3 simple questions:-

Will there be a strategic marketing plan developed and implemented, and how will the views of townspeople be assessed and taken into account?

How will this committee be involved in this critical decision-making process on behalf of its OLI Area constituents?

Will the development of a marketing plan and its subsequent implementation be considered to be an operational or a policy matter?

Councillor Lynch advised that Policy decisions will be made by the Council and the Harbour Board, that fees and charges will be the decision of the Council. All income from Piers and Harbours is put in a central pot. The Clerk clarified the setting of fees and charges was reserved to the Council.

Councillor Green addressed the concerns about members attendance stating that there were reasons why members had had to submit their apologies, reminding the public that

the Council policy was to facilitate remote attendance at meetings. He stated that if the Council had not allowed remote participation in meetings, it would have been likely that there would have been more absences.

Mr Roberts then asked if there could be clarification given as to whether there would be separate accounts published for Oban Harbour when the HRO was adopted? There was no finance officer present and it was agreed to raise this question with the Director of Finance and respond after the meeting.

Question 10 – Phil Hamerton, OCHDA

If decision making of the Oban Harbour is made at a Policy Level, at what point can the Area Committee put forward a view to the Harbour Board, and how do you as an Area Committee formulate your views to the Harbour Board as representatives of members of the Community?

The Chair advised that it would be in the form of a Motion at an Area Committee Meeting, making recommendation to the Harbour Board. He then asked the Clerk to clarify the rules within the Constitution.

Councillor Vennard stated that it was possible for non-members of the Harbour Board to attend meetings of the Harbour Board and express views and that there would also be a user group set up that would be chaired by the Harbour Master.

Question 11 – John McAllister, OCHDA

Are the Council going to start looking towards business and development of wind and tidal power and what is the Council doing in the harbour to let businesses get involved?

Councillor Vennard advised that there are plans to expand the North Pier, however the Harbour Review Order has to be in place before development.

With no representative attending from the Economic Development Team, clarification would be sought on what all renewable plans were as this might go beyond the harbour.

Question 12 – Neil MacIntyre

What had Economic Development done for the town of Oban in the last 5 years and what do the local councillors see for the future of Oban? There was talk of a new School at Dunbeg, due to the amount of the new housing development, the roundabout at Dunbeg has not happened; no affordable houses within the town; £20m funding from the Government for development and nothing is happening. Economic Development should be working with local businesses for an Action Plan and proper framework.

Councillor Green advised that he had seen outline plans, that cannot be shared at the moment, however, he hoped to be in a position to share them with the Oban Community Council at their next meeting in January, after wider input had been received on officer proposals.

Councillor Green also pointed out that Education looked at the need for a new school at Dunbeg, the outcome being that the school that already exists within the village is fit for

purpose, due to the ages of the children living in the area and the phased development of the housing.

Councillor Green stated that he would like to see more housing in the centre of Oban but that the gap sites within the town currently could not be developed.

Councillor Martin advised that she had held several surgeries and not one person had turned up to any of them to bring any points to the Council, and that she would be more than happy to engage with the public present. She clarified the development she would like to see was cycle lanes, accessible and repaired pavements, parking (specifically issues with parking at schools) and opportunities for apprentices which would increase growth within the business community.

Councillor Lynch commented the plan was necessary to see what can and can't be done. He would also like to see development in the centre of town and accepted that the flood risk would not just disappear. He mentioned issues with shops not opening due to footfall and that there was a need to look at what can be done differently in terms of innovation.

Question 13 & 14 – Mr Ross Wilson, OCDA

Will members of Oban, Lorn and the Isles Area Committee be attending the Public Meeting tomorrow night (14th December) which has been set up by OCHDA and Oban Community Council to discuss the consultation which will run from 30th November to 10th January?

Unfortunately, the majority of members in attendance at today's meeting will be unable to attend as they have prior engagements but Councillor Vennard confirmed he would attend. Councillor Green asked if the meeting would be available to attend virtually, to which the response was it was not possible as the Rockfield Centre did not have that facility,

Mr Wilson expressed his disappointment and urged the Councillors to change their priorities.

Mr Wilson stated that at the last meeting Councillor Kain intimated that he would see the business case for Oban Harbour, he asked if anyone present could clarify if Councillor Kain has seen the business case and if not has he chased it up?

In Councillor Kain's absence this could not be clarified, although Councillor Vennard advised that the Director of Finance had given a brief up date and is now trying to finalise the fees charged to Calmac which will be the last piece of the financial projection.

Mr Wilson asked if, in view of the financial case not being in place, the Area Committee would put forward a motion to the Harbour Board to stop the consultation now. The Clerk explained that there was no substantive item on the agenda during which it would be possible to move such a motion, and it was not possible to move a motion as part of public question time.

Question 15 – Dougie Graham, Oban Community Council

What are the exact legalities of the finances of a Harbour Authority being published. I understand that as it is an Act of Parliament that each Harbour Authority's Financial Accounts should be published?

Phil Hamerton of OCHDA advised that he could answer that question. Councillor Green commented that this was question time for the Committee or officers. Councillor Vennard stated that it would be helpful to him if Mr Hamerton could be given the opportunity to respond, which the Chair agreed to allow. Mr Hamerton advised that under Section 42 of the 1964 Harbour Act each municipal port requires every single income and expenditure to be published on an annual basis.

Mr Graham then questioned why the Council felt this did not apply to them?

Councillor Green advised that this could be interpreted differently and confirmed that the Harbour Board would receive its own legal advice.

5. ACHA ANNUAL REPORT

Consideration was given to a presentation by the Chief Executive of ACHA, which provided an update on a number of areas including the investment programme for 2023/24; the Scottish Government Grant which has allowed the progression of a number of adaptations and essential aids for the most vulnerable customers across Argyll and Bute; the Exemplar Estates initiative; the Business, Energy, Industrial Strategy (BEIS); the Whole House Retrofit Programme; the Net Zero and Warm Homes Funds and the installation of air source heating pumps. Information on Welfare rights and Funding was provided from which a number of tenants and local groups have benefited.

Decision

The Oban, Lorn and the Isles Area Committee considered and noted the information provided in the presentation.

(Reference: Presentation by Chief Executive, Argyll Community Housing Association Ltd, submitted)

6. CHARTS UPDATE

The Committee gave consideration to a presentation by the Vice-Chair of the Cultural Heritage and Arts Assembly (CHARTS) for Argyll and the Isles. The presentation included information on the impact of partnership working on both regional and local areas and provided highlights of key projects throughout the Oban, Lorn and the Isles area. Mr Adams also provided information in relation to funding streams and the benefits of the continued support received from Argyll and Bute Council.

Decision

The Oban, Lorn and the Isles Area Committee considered and noted the information provided in the presentation.

(Reference: Presentation by Vice-Chair, Cultural Heritage and Arts Assembly, submitted)

7. AREA SCORECARD FQ2 2023/34

Consideration was given to the Area Performance Report for financial quarter 2 of 2023/24 (July to September 2023) which illustrated the agreed performance measures for this period.

Decision

The Oban, Lorn and the Isles Area Committee:

1. noted and considered the performance and supporting commentary as presented;
2. noted that upon receipt of the Quarterly Performance Report the Area Committee should contact either the Responsible Named Officer or Sonya Thomas with any queries; and
3. noted that work was ongoing and to respond to Sonya Thomas with requests or comments regarding the layout and format of the Performance Report and Scorecard.

(Reference: Report by Executive Director with responsibility for Customer Support Services, dated 1 November 2023, submitted)

8. PLAY PARK ENGAGEMENT - UPDATE REPORT NO 2

The Committee gave consideration to a report providing an update on the proposed works and estimated costs for the Tobermory play park.

Decision

The Oban, Lorn and the Isles Area Committee agreed to:-

1. note the proposed works on the Tobermory Play Park.
2. Agree a further update report will be brought back to the Area Committee after engagement with Mull Community Council.

9. ROADS AND INFRASTRUCTURE SERVICES UPDATE

The Committee gave consideration to a report which provided links to the recent activities of Roads and Infrastructure Services.

Decision

The Oban, Lorn and the Isles Area Committee considered and noted the contents of the report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services, dated November 2023, submitted)

10. CHARITABLE TRUSTS, BEQUESTS AND TRUST FUNDS

(a) Annual Report

The Committee gave consideration to a report which provided details on proposals relating to the ongoing management and proposed distribution arrangements for Charitable Trusts, Bequests and Trust Funds for which the Oban, Lorn and the Isles Area Committee are Trustees.

Decision

The Oban, Lorn and the Isles Area Committee:

1. note the financial position of the Charitable Trusts, Bequests and Trust Funds as of December 2023;
2. agree that the charities and trust funds, that have historically been awarded to Council Departments and Allied Partners, are awarded on the basis outlined in paragraph 5.5 and defined within appendix 1;
3. agree that officers submit proposals for distribution arrangements for the Mackinnon Ledingham Bequest, Archibald Dow Bequest, Coals for Poor, Oban and Kilmore and Kilbride for later consideration by members; and
4. note that there remain 4 funds, Miss F Mclucas Bequest, Mrs Mellors Bequest, Miss M M Camerons Bequest, and Dugald Mcphail Memorial Fund with no identified beneficiaries and that these are subject to ongoing consideration by officers.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support, dated November 2023, submitted)

(b) JOHN OF LORN BEQUEST AWARD RECOMMENDATIONS

The Area Committee gave consideration to a report providing information on a number of applications received and processed for support from the John of Lorn Bequest.

Decision

The Oban, Lorn and the Isles Area Committee noted the number of awards made from the John of Lorn Bequest since August 2023.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support dated November 2023, submitted)

11. HEALTH & SOCIAL CARE PARTNERSHIP - PERFORMANCE REPORT - FQ1 (APRIL-JUNE 2023/24)

The Committee gave consideration to a report which provided an update on performance against each of the service areas and the 93 supporting Key Performance Indicators, as well as an update from the Heads of Service giving a wider context and identifying risks and mitigations. The report also provided an update on the National Health and Wellbeing Outcomes and Ministerial Steering Group Integration Indicators and information in relation to delayed discharges.

Decision

The Oban, Lorn and the Isles Area Committee considered and noted:

- 1) The performance for FQ1 (April - June 2023/24)

- 2) The summary overview of the Heads of Service Performance update
- 3) The performance update on the National Health & Wellbeing Outcomes and Ministerial Steering Group Integration Indicators (**Appendix 1**)
- 4) The System Pressure Report for August 2023 (**Appendix 2**)
- 5) The Delayed Discharge Sitrep for August 2023 (**Appendix 3**)

12. DRAFT OBAN, LORN AND THE ISLES AREA COMMITTEE WORKPLAN

The Oban, Lorn and the Isles Area Committee workplan was before members for information.

Decision

The Oban, Lorn and the Isles Committee noted the contents of the workplan.

(Reference: Oban, Lorn and the Isles Area Committee workplan, dated 13 December 2023)

FIELD_SUMMARY